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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

MEETING DATE July 11, 2016	CONTACT/PHONE Stephanie Fuhs (805) 781-5721 sfuhs@co.slo.ca.us	APPLICANT Howard & Pepper, Inc.	FILE NO. CO 03-0301 S030085P D020113P
<b>SUBJECT</b> A request for a <b>fourth time extension</b> by <b>HOWARD &amp; PEPPER, INC.</b> for a Tentative Parcel Map (CO 03-0301) / Minor Use Permit to subdivide a 4.2 acre parcel into three parcels of 1.65 acres, 1.71 acres and .90 acre each for the purpose of sale and development. The Minor Use Permit authorized a commercial complex that includes 18,708 square feet of self-storage, 6,792 square feet of auto parts sales and service and 8,701 square feet of office space and project related grading of 4.2 acres. The proposed project is within the Commercial Service land use category and is located at the northern corner of the North Frontage Road and Sandydale Drive intersection, in the community of Nipomo. The site is in the South County sub-area of the South County Area Plan.			
<b>RECOMMENDED ACTION</b> Approve the <b>fourth time extension request</b> for Tentative Parcel Map/Minor Use Permit CO 03-0301 (S000385P)/D020113P.			
<b>ENVIRONMENTAL DETERMINATION</b> A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on April 23, 2004 and adopted by the Subdivision Review Board on June 21, 2004.			
LAND USE CATEGORY Commercial Service	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091-325-022	SUPERVISOR DISTRICT(S): 4
<b>PLANNING AREA STANDARDS:</b> Nipomo Lowland Area-Drainage Plan, Commercial Service requirements and Community Gateway Projects <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Exterior lighting, Fencing and Screening, Height, Noise, Setbacks, Solid Waste Collection, Underground Utilities, Parking and Signs <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>EXISTING USES:</b> Undeveloped			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Residential Rural/ undeveloped <i>South:</i> Commercial service/ commercial development <i>East:</i> Highway 101 <i>West:</i> Residential Rural/residences			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was originally referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, Cal Trans and Lucia Mar School District			
<b>TOPOGRAPHY:</b> Nearly level		<b>VEGETATION:</b> Non-native grasses and eucalyptus trees	
<b>PROPOSED SERVICES:</b> Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CalFire		<b>ACCEPTANCE DATE:</b> N/A	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

## TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Tentative Parcel Map CO 03-0301 (S030085P) and Minor Use Permit D020113 P were approved by the Subdivision Review Board on June 21, 2004 and were set to expire on June 21, 2016. On May 9, 2016, the applicant requested the **fourth one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related development plan if it is required as a part of the subdivision process).

The project is a Tentative Parcel Map (CO 03-0301) / Minor Use Permit (D020113P) to subdivide a 4.2 acre parcel into three parcels of 1.65 acres, 1.71 acres and .90 acre each for the purpose of sale and development. The Minor Use Permit authorized a commercial complex that includes 18,708 square feet of self-storage, 6,792 square feet of auto parts sales and service and 8,701 square feet of office space and project related grading of 4.2 acres. The proposed project is within the Commercial Service land use category and is located at the northern corner of the North Frontage Road and Sandydale Drive intersection, in the community of Nipomo. The site is in the South County sub-area of the South County Area Plan.

This tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Subdivision Review Board and the public.

## DISCUSSION

### The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was June 21, 2006. Three one-year extensions were requested and granted which extended the map until June 21, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **fourth discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Tentative Parcel Map CO 03-0301 was extended to June 21, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Tentative Parcel Map CO 03-0301 was extended to June 21, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Tentative Parcel Map CO 03-0301 was extended to June 21, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 11, 2013 extends the tentative map twenty four (24) months. Tentative Parcel Map CO 03-0301 was extended to June 21, 2016.

### **Staff Determination and Recommendation**

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the tentative map, staff recommends to the Subdivision Review Board that the **fourth one year time extension** be granted to June 21, 2017 subject to the conditions of approval set by the Subdivision Review Board on June 21, 2004.

### **ATTACHMENTS**

Attachment 1 - Project Graphics

Attachment 2 - Notice of Final County Action, June 21, 2004